

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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FRANCISCO TINEO-SANTOS,

Petitioner,

-against-

PAUL PICCOLO, *Superintendent of Southport
Correctional Facility,*

Respondent.

1:19-cv-5038-MKV-JLC

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On December 5, 2022, this Court issued an Order (1) denying Petitioner's request for an extension of time to file a motion for reconsideration regarding the motion to amend, (2) directing the Clerk of Court to provide copies of the requested records to Petitioner in accordance with its standard practices, and (3) denying without prejudice Petitioner's request for an extension of time to submit a motion under Federal Rules of Civil Procedure 59 and 60 to "alter/amend . . . the judgment entered on September 14, 2022," given the pending appeal. [ECF No. 67.] Again, on December 28, 2022, in response to several more *pro se* letters, this Court entered an Order (1) granting Petitioner's request for his docket sheet and (2) denying Petitioner's request for relief under Federal Rule of Civil Procedure 60, again citing the pending appeal. [ECF No. 70.]

Petitioner has, yet again, filed two more *pro se* letters. In the first, Petitioner seeks relief from the September 14, 2022 judgment under Rule 60. [ECF No. 71.] In the second, Petitioner requests "all documents that have been made entry [sic] in [this case] since January 1, 2023 to [sic] present date." [ECF No. 72.]

For the same reasons previously outlined in this Court's December 5, 2022 and December 28, 2022 Orders, Petitioner's request for relief under Rule 60 is DENIED without prejudice. This

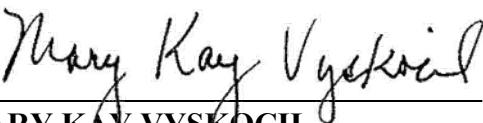
Court will not—and indeed, cannot—pass upon issues “involved in the [pending] appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). Petitioner is on notice that if he files any further repetitious filings challenging the September 14, 2022 Opinion and Order, before the Second Circuit’s resolution of the pending appeal, the Court will direct Petitioner to show cause why an order barring him from filing any future *pro se* petitions without first obtaining leave of court should not be entered. *See Aponte v. Horn*, No. 15-CV-2201 (KAM), 2016 WL 868198, at *2 (E.D.N.Y. Mar. 4, 2016).

Petitioner’s request for a copy of “all documents” in this matter “since January 1, 2023” is GRANTED. The Clerk of Court is respectfully requested to provide Petitioner with a copy of his docket sheet in accordance with standard practices. It appears from a review of the docket in this case that the Clerk of Court may have already processed this request.

The Clerk of Court is respectfully requested to send a copy of this Order to the *pro se* Petitioner at the address of record.

SO ORDERED.

Date: May 10, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge